

Nuremberg in the Shadows: Presidential Covert Killing, the CIA, and the Conscience of Command

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Since 1947, the United States has maintained a covert-action system that allows presidents to direct lethal force through the CIA and related instruments under layers of secrecy and “plausible deniability.” Officially, these operations are wrapped in legal memoranda, presidential findings, and national security rhetoric. Unofficially, they raise an older, deeper question: at what point does state-sanctioned killing outside any courtroom become the very sort of crime for which military and political leaders were judged at Nuremberg? This paper explores that question through two lenses. The first is structural: the emergence of a deniable killing apparatus from the National Security Act of 1947 to the era of drones and targeted strikes, culminating in recent boat attacks in the Caribbean and eastern Pacific justified as counternarcotics operations against Venezuela-linked traffickers. The second is personal: the conscience of senior officers who must execute, resist, or quietly step away from missions they fear may cross the line into extrajudicial execution, even as lawyers insist everything is legal. Bridging legal history, military ethics, and Christian moral reflection, the paper asks what a “Nuremberg-proof” chain of command would actually require, and what it means, in practice, to walk away rather than obey.

Keywords: covert action, CIA, presidential authority, extrajudicial killing, Nuremberg principles, command responsibility, Operation Southern Spear, Venezuela, boat strikes, international law, plausible deniability, military conscience, moral injury, Christian ethics, war powers.

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Outline

1. Introduction: The Covert-Action Machine and the Nuremberg Ghost

- 1.1 Framing the problem: killing without trial in a rules-based order
- 1.2 From “war on terror” to boat strikes: why this moment feels different
- 1.3 The core tension: secret legality versus public criminality
- 1.4 Method: historical, legal, ethical, and theological threads
- 1.5 Plan of the paper

2. From 1947 to the Drone Age: Building a Deniable Killing Apparatus

- 2.1 The National Security Act and the birth of the CIA
- 2.2 NSC directives and the formalization of covert action
- 2.3 Cold War precedents: coups, proxy forces, and targeted killings
- 2.4 The Church Committee, assassination ban, and the shift in language
- 2.5 Post-9/11 expansions: targeted killing, drones, and the global battlefield
- 2.6 How “covert action” blurred into routinized lethal policy

3. Law’s Two Faces: Secret Opinions and Public Responsibility

- 3.1 Presidential findings, Office of Legal Counsel memos, and compartmented legality
- 3.2 Plausible deniability as a design objective
- 3.3 Nuremberg principles: rejecting “I was just following orders”
- 3.4 Domestic military law on refusing unlawful orders
- 3.5 The gap between classified legal cover and future tribunals
- 3.6 Why legal process alone cannot resolve the moral question

4. Case Study: Boat Strikes, Drugs, and the Venezuela Theater

- 4.1 Operational overview: geography, platforms, and rules of engagement
- 4.2 The counternarcotics narrative: cocaine, fentanyl, and public messaging
- 4.3 Disputed facts: where opioids actually come from and how they move
- 4.4 International reactions: UN bodies, human rights organizations, and allied governments
- 4.5 Are these strikes war, policing, or extrajudicial execution?
- 4.6 The Venezuela dimension: regime pressure, signaling, and escalation risk

5. The Conscience of Command: Admirals, Generals, and Early Exits

- 5.1 What it means to wear the operational signature on one’s name
- 5.2 Education in Nuremberg: how modern officers are taught about unlawful orders
- 5.3 The dilemma of classified disagreement: protest, slow-rolling, or resignation
- 5.4 Early retirement as a quiet act of conscience
- 5.5 How subordinates read these exits inside the profession
- 5.6 The thin line between loyalty, prudence, and complicity

6. Moral Injury and the Professional Soldier in the Age of Targeted Killing

- 6.1 Defining moral injury beyond PTSD
- 6.2 Remote and covert killing: distance, ambiguity, and psychological burden
- 6.3 The special vulnerability of senior leaders versus operators
- 6.4 Institutional strategies for burying doubt versus surfacing it
- 6.5 Long-term consequences for trust in the military profession
- 6.6 Nuremberg anxiety as a form of anticipatory moral injury

7. Christian and Theological Perspectives on Orders, Obedience, and Murder

- 7.1 Caesar and conscience: limits of obedience in Christian tradition
- 7.2 The command “you shall not murder” in the context of state violence
- 7.3 Just war criteria and their stress test under covert action
- 7.4 When killing without trial becomes a form of bearing false witness
- 7.5 The vocation of the Christian officer in a covert-action state
- 7.6 Prayer, discernment, and the courage to walk away

8. Designing a “Nuremberg-Proof” Chain of Command

- 8.1 What Nuremberg actually requires of individuals and institutions
- 8.2 Eliminating plausible deniability as an organizational principle
- 8.3 Bright-line rules against certain categories of targeting
- 8.4 Transparent review mechanisms and independent legal oversight
- 8.5 Rebalancing CIA and uniformed military roles in lethal action
- 8.6 Building in exits: protected dissent, refusal, and resignation channels

9. Policy Alternatives: Real Counternarcotics Without Shadow Wars

- 9.1 Empirical realities of drug supply chains and overdose deaths
- 9.2 Policing, regulation, and public health as primary tools
- 9.3 Financial enforcement and chemical-precursor control
- 9.4 Regional cooperation that does not depend on airstrikes
- 9.5 How to prevent future “fentanyl wars” against the wrong targets

10. Conclusion: Walking Away from the Machinery of Denial

- 10.1 What this case study reveals about the post-1947 security state
- 10.2 The enduring relevance of Nuremberg in a covert age
- 10.3 Individual responsibility in the shadow of presidential authority
- 10.4 The moral difference between obedience and complicity
- 10.5 Final reflection: honoring those who quietly refuse to cross the line

11. References

1. Introduction: The Covert-Action Machine and the Nuremberg Ghost

The modern American security state was built in the shadow of Nuremberg and Hiroshima. On one hand, the post-1945 order insisted that sovereignty, human rights, and due process would constrain how states wield violence. On the other hand, the same era gave birth to secret institutions designed to use force quietly, deniably, and—where necessary—illegally in every corner of the world. That tension has never been resolved; it has only been managed, renamed, and pushed into classified compartments.

What makes the present moment unsettling is not that the United States uses covert force. It is that the gap between public norms and classified practice seems to be widening again. Targeted killings are conducted far from declared battlefields, under legal theories very few people have ever read, against individuals who will never see a courtroom. When a senior combatant commander retires early in the middle of a controversial campaign and outside observers call the operations “extrajudicial executions,” the specter of Nuremberg returns in a new form. The question is no longer only whether presidents overreach, but whether the officers asked to execute such missions can trust that “we were told it was legal” will mean anything in the long run.

This paper argues that the architecture of covert action, especially as it has evolved since 1947, systematically erodes the safeguards that Nuremberg was supposed to embed into military and political life. It explores how a legal-bureaucratic machine can produce decisions that are simultaneously “lawful” in secret and plausibly criminal in the eyes of international law and future history. The focus is not simply on presidential power, but on the conscience and vulnerability of those who serve within the chain of command.

1.1 Framing the problem: killing without trial in a rules-based order

The promise of a rules-based international order rests on a simple idea: no one, not even the most powerful state, should be able to kill with impunity. War, when unavoidable, should follow clear rules; outside war, lethal force should be tightly bound to policing standards, due process, and judicial oversight. In theory, that is what distinguishes constitutional democracies from the law of the jungle.

In practice, the post-war order immediately carved out a series of exceptions. Intelligence agencies were authorized to conduct “covert action” so long as their governments could plausibly deny responsibility. Forces were trained and equipped to conduct operations where capture was inconvenient or politically impossible. Over time, states normalized the idea that some people—terrorists, insurgents, “narco-terrorists,” enemy operatives—could be targeted

and killed on the basis of secret evidence, under secret rules, by secret units, with no public charges ever filed.

The core problem is not that every such killing is unjustified. There are real threats, and some genuinely dangerous individuals will never present themselves at a courthouse door. The deeper problem is that the apparatus for deciding who may be killed exists largely outside the institutions where law and conscience normally interact: open courts, public legislatures, transparent debate. Instead, decisions flow through closed processes dominated by executive branch lawyers, intelligence professionals, and a small circle of senior officers.

When killing is separated from trial, the safeguards must be correspondingly stronger elsewhere. Instead, the covert-action model tends to weaken them. The targets are unnamed, the evidence is undisclosed, and the legal reasoning is classified. From the perspective of those on the receiving end—and from the perspective of history—this can become indistinguishable from murder with extra steps.

1.2 From “war on terror” to boat strikes: why this moment feels different

The “war on terror” normalized many of these dynamics. After the September 11 attacks, the United States embraced a global campaign against non-state actors that blurred the lines between war and law enforcement. Drone strikes, special operations raids, and targeted killings became regular instruments of policy in countries where no formal war had been declared. Legal justifications leaned heavily on broad authorizations for the use of military force, expansive notions of self-defense, and a concept of a single, borderless battlefield.

For a time, much of this activity was politically insulated by the trauma of 9/11 and the genuine threat posed by transnational jihadist networks. Even then, critics argued that the machinery being built would not remain confined to that context. Once normalized, a global license to kill suspected terrorists could easily be redirected toward other enemies.

The recent use of air and missile strikes against small boats in the Caribbean and eastern Pacific shows how quickly that prediction can come true. In these operations, the United States has destroyed vessels and killed alleged traffickers far from any conventional battlefield, justifying the actions as counternarcotics measures and claiming enormous numbers of hypothetical American lives saved. At the same time, many independent observers have pointed out that the main supply chains for fentanyl and other synthetic opioids do not run through these waters at all.

This moment feels different for several reasons. First, the targets are being framed not as global terrorists plotting mass casualty attacks, but as criminals whose principal harm is drug

distribution. Second, the legal and factual basis for claiming imminent threat is weaker and more heavily contested. Third, international bodies, including United Nations human rights experts, have rapidly labeled these actions as extrajudicial executions and potential violations of international law.

Finally, the internal strain is more visible. Reports that a senior combatant commander will leave his post early after reportedly raising concerns about the mission's legality suggest that some within the system see the line being crossed in real time. The war-on-terror era already stretched legal and ethical boundaries; repurposing similar methods for dubious "drug war" targets against or near a hostile state raises the sense that a structural threshold is being breached.

1.3 The core tension: secret legality versus public criminality

At the heart of this paper is a single tension: the same act can be "legal" in a classified memo and yet plausibly criminal in public international law and in the moral imagination. Covert-action systems are built to privilege the former perspective and to shield decision-makers from the latter for as long as possible.

In the United States, lethal covert operations are typically authorized through presidential findings, reviewed by small committees of legislators in closed session, and blessed by legal opinions from the Office of Legal Counsel or other in-house lawyers. The purpose of these mechanisms is partly constraint, but also partly protection: they generate a paper trail that can be invoked later as proof that everything was carefully vetted and formally lawful.

From the standpoint of Nuremberg, however, this is insufficient. The post-war tribunals made clear that "I was following orders" is not a defense to crimes against humanity or war crimes, and that domestic law or official legal advice cannot transform an inherently criminal act into a lawful one. In other words, legality is not merely a function of what a government's own lawyers say; it is anchored in higher, more universal standards.

The gap widens further because the public cannot see, contest, or correct classified legal opinions. International courts and human rights bodies often learn about covert operations only after the fact, if at all. Victims and their families have little recourse. Democratic electorates are asked to trust that invisible procedures are sufficient substitutes for visible accountability.

This creates a dangerous asymmetry. Inside the system, participants feel shielded by the aura of legal process and the authority of the president. Outside the system, the same operations can look like state-sanctioned murder. For officers in the chain of command, the question becomes

acute: which legal universe will ultimately matter—the secret one they inhabit now, or the public one that may judge them later?

1.4 Method: historical, legal, ethical, and theological threads

To address these questions, the paper adopts a deliberately interdisciplinary method.

Historically, it traces the emergence of the covert-action architecture from the National Security Act of 1947 through the Cold War, the Church Committee, the assassination ban, and the post-9/11 evolution of targeted killing. This historical frame shows how a system originally justified as an exceptional necessity gradually became a normalized instrument of policy.

Legally, the paper examines the structures that purport to govern covert lethal operations: presidential findings, congressional oversight, internal legal review, and the interplay with international humanitarian and human rights law. Particular attention is paid to the concepts of command responsibility and individual criminal liability as articulated at Nuremberg and in subsequent international instruments.

Ethically, the analysis centers on the professional military ethos, the concept of moral injury, and the lived experience of officers asked to order or supervise killings whose legality is contested and whose moral status is ambiguous. The paper considers what virtues and vices are cultivated by sustained participation in such systems.

Theologically, it engages Christian moral thought as one important lens through which many soldiers, sailors, and airmen interpret their duties. Themes of obedience, conscience, just war, and the prohibition against murder are used to illuminate the inner conflicts of believers serving in a state that claims the right to kill without trial under certain conditions.

This combination of methods is necessary because no single discipline adequately captures the phenomenon. Covert killing is at once a policy tool, a legal problem, a moral trial, and, for many, a spiritual burden.

1.5 Plan of the paper

The remainder of the paper unfolds in eight main stages.

Section 2 sets the structural background by recounting the creation and evolution of the deniable killing apparatus from 1947 to the present, focusing on institutional design choices that made covert lethal force both attractive and hard to constrain.

Section 3 explores the dual nature of law in this arena, contrasting the internal processes that generate classified assurances of legality with the external standards that may one day judge these operations as crimes. It clarifies why secret legal opinions cannot resolve the Nuremberg problem.

Section 4 turns to the contemporary case of boat strikes and drug-linked operations near Venezuela. It analyzes the stated counternarcotics rationale, the factual disputes about drug flows, the pattern of targeting, and international reactions. This case serves as a concrete instance of how old tools are being applied in new, legally fragile ways.

Section 5 examines the conscience of command, using the early departure of a senior theater commander as a focal point for discussing how admirals and generals navigate conflicting obligations to civilian leadership, subordinates, and their own moral judgment.

Section 6 delves into moral injury and the psychological costs of participating in or overseeing targeted killing programs, especially when doubt about legality or legitimacy is present but cannot be openly addressed.

Section 7 introduces Christian and broader theological perspectives on obedience, murder, and just war, offering a normative framework for understanding when obedience to the state becomes complicity in wrongdoing.

Section 8 imagines what a “Nuremberg-proof” chain of command might look like in practice, proposing institutional reforms aimed at dismantling plausible deniability, strengthening independent oversight, and protecting principled dissent.

Section 9 sketches policy alternatives for genuine counternarcotics strategies that do not depend on covert lethal force, emphasizing public health, financial enforcement, and cooperative policing.

Finally, Section 10 draws the threads together, arguing that the real test of a rules-based order is whether it can restrain its own covert arm, and honoring those within the system who choose conscience over convenience when the two collide.

2. From 1947 to the Drone Age: Building a Deniable Killing Apparatus

The institutional conditions that make covert killing thinkable were not accidents of the early twenty-first century. They were wired into the post-war American security architecture from the start. The National Security Act of 1947 created a central intelligence agency whose charter was deliberately vague; subsequent National Security Council (NSC) directives quietly expanded that mandate to include “covert operations” designed to be plausibly denied if exposed. Over the

next decades, Washington refined a toolkit of coups, proxy wars, and targeted operations that operated in the grey zone between war and peace.

The scandals of the 1970s forced a partial reckoning. Congressional investigations revealed assassination plots and regime-change operations that had never been openly authorized, leading to an executive order that purported to ban political assassination. Yet the prohibition was narrow, undefined, and easily reinterpreted as doctrine shifted from “assassination” to “self-defense,” from political enemies to terrorists. After the attacks of September 11, 2001, the existing covert-action machinery was repurposed and supercharged. Armed drones, global manhunting campaigns, and a broad authorization to use military force against non-state actors made targeted killing a continuous feature of U.S. policy.

By the time the United States began destroying suspected drug boats far from any declared battlefield, the extraordinary had become routine. Covert action was no longer a rare, exceptional tool; it had blurred into a standing, routinized lethal policy, insulated by layers of classified law and specialized bureaucracies.

2.1 The National Security Act and the birth of the CIA

The National Security Act of 1947 reorganized the American state for permanent global competition. It created the National Security Council (NSC), unified the armed services under a new Department of Defense, and, crucially, established the Central Intelligence Agency as the primary civilian intelligence body, inheriting personnel and functions from the wartime Office of Strategic Services. The statute gave the CIA responsibility for “correlating and evaluating intelligence” and performing “such other functions” as the NSC might direct, an intentionally open-ended phrase that would later be read as a gateway to covert operations. [Office of the Historian+1](#)

At this point, the law did not explicitly authorize a secret war capability. The emphasis in public debate was on preventing another Pearl Harbor by improving information flow and strategic coordination. But the combination of a centralized intelligence agency, a high-level council for national security, and a climate of intensifying rivalry with the Soviet Union created fertile ground for the idea that the United States should be able to act in secret abroad, shaping events without open military intervention. The specific contours of this mission would emerge not in statute but in classified NSC papers and executive directives.

2.2 NSC directives and the formalization of covert action

Within a year, the Truman administration moved from implication to explicit authorization. In June 1948, NSC 10/2 defined “covert operations” as activities conducted or sponsored by the U.S. government against hostile states or groups “but which are so planned and executed that any US Government responsibility for them is not evident” and that, if uncovered, allow Washington to “plausibly disclaim any responsibility.” This language codified the core logic of plausible deniability: actions carried out in such a way that senior officials could deny involvement without being easily disproved. [Wikipedia+2aarclibrary.org+2](#)

NSC 10/2 authorized propaganda, economic warfare, sabotage, subversion, and support for underground resistance movements. To implement this growing portfolio, an Office of Policy Coordination was created within the CIA, tasked with planning and executing these operations under NSC guidance. Over time, subsequent directives such as NSC 5412/2 refined procedures for prior approval and oversight, but they kept the core premise intact: the United States would systematically conduct deniable operations abroad, using a combination of CIA officers, military personnel, and proxies.

Legally, this architecture lived in a grey zone. Covert action was not enumerated in the CIA’s statutory charter, but supporters pointed to catch-all language and the president’s inherent constitutional authority in foreign affairs. The value of the NSC directives lay less in their legal force than in their bureaucratic clarity: they specified who was in charge, what kinds of operations were contemplated, and how responsibility would be shielded from public view. [CIA+2Digital Commons+2](#)

2.3 Cold War precedents: coups, proxy forces, and targeted killings

With the machinery in place, the early Cold War became a laboratory for covert power. The CIA orchestrated the 1953 overthrow of Iran’s Prime Minister Mohammad Mossadegh and the 1954 coup in Guatemala against President Jacobo Árbenz, both classic examples of deniable regime change dressed as indigenous uprisings. In other theatres, the United States backed anti-communist insurgencies, supported paramilitary operations in Eastern Europe and Asia, and worked through local security services whose methods ranged from repression to open terror. [aarclibrary.org+1](#)

Alongside coups and proxy wars, a more intimate form of covert action emerged: targeted attempts to remove specific leaders. The Church Committee later documented repeated plots against Cuba’s Fidel Castro, efforts to facilitate the killing of the Congo’s Patrice Lumumba, and contacts with elements involved in other political murders. The distinction between “assassination” and other forms of lethal covert action was blurry even then, but the pattern

was clear: under the banner of national security and anti-communism, Washington had built a capacity to eliminate individuals and topple regimes without public declarations of war or legal proceedings.

These operations habituated policymakers to thinking of deniable violence as a normal instrument of statecraft. They also accustomed officers and agents to a culture in which obeying classified directives took precedence over public norms against intervention and political killing. The idea that the United States could kill or help kill abroad without judicial process, so long as the effort remained in the shadows, became embedded in institutional memory.

2.4 The Church Committee, assassination ban, and the shift in language

By the early 1970s, Vietnam, domestic surveillance scandals, and the Watergate crisis combined to trigger a crisis of confidence in the intelligence community. The Senate's Church Committee and the House's Pike Committee undertook unprecedented investigations into covert actions, revealing the scope of CIA and allied operations, including multiple assassination plots, attempts at regime change, and covert interventions in domestic politics. [aarclibrary.org+1](#)

Faced with public outrage, President Gerald Ford issued Executive Order 11905 in 1976, which declared that "no employee of the United States Government shall engage in, or conspire to engage in, political assassination." Subsequent orders under Presidents Carter and Reagan reaffirmed and refined this prohibition, embedding an assassination ban in executive policy rather than in statute. Yet the term "assassination" was left undefined, and analysts have noted that the lack of clarity allowed later administrations to argue that certain forms of targeting—particularly in armed conflict or in self-defense against terrorists—fell outside the ban. [NYU Journal of Law & Liberty+3Wikipedia+3Encyclopedia Britannica+3](#)

The Church Committee also led to structural reforms: the creation of permanent intelligence oversight committees in Congress, reporting requirements for covert actions, and, eventually, statutory provisions in the 1990s that defined covert action and set basic rules for presidential findings and congressional notification. These changes were meant to reconcile covert capabilities with constitutional oversight and the rule of law. They did not, however, dismantle the covert-action apparatus itself. Instead, they normalized it, wrapping deniable operations in more formal procedural constraints.

At the same time, the language of justification began to shift. Where earlier eras had spoken bluntly of "assassination" or "overthrow," the new lexicon emphasized "paramilitary operations," "special activities," and "foreign policy objectives." Lethal action could thus be reinterpreted as a legitimate extension of foreign policy rather than as prohibited political murder, especially in situations framed as armed conflict or self-defense.

2.5 Post-9/11 expansions: targeted killing, drones, and the global battlefield

The attacks of September 11, 2001 transformed this existing toolkit into the backbone of a global war against non-state actors. Congress passed an Authorization for Use of Military Force that empowered the president to use “all necessary and appropriate force” against those responsible for 9/11 and associated forces, without geographic limitation. This became the legal foundation for a worldwide campaign of detentions, special operations raids, and targeted killings conducted by both the military and the CIA. [Stiftung Wissenschaft und Politik \(SWP\)+1](#)

Armed drones added a new technical and psychological dimension. Unmanned aircraft could loiter over remote areas for hours, strike with precision-guided munitions, and be operated from thousands of miles away. In Pakistan, Yemen, Somalia, and elsewhere, the United States developed a practice of killing suspected militants—including, in some cases, its own citizens—on the basis of classified intelligence, without arrest or trial. Some strikes targeted named individuals; others were “signature strikes” based on patterns of behavior deemed indicative of militant activity. [DigitalCommons+3Taylor & Francis Online+3Council on Foreign Relations+3](#)

Legally, these operations were justified through a blend of domestic and international arguments: the ongoing armed conflict with al-Qaeda and associated groups, the inherent right of self-defense, and, in some cases, host-state consent. Internally, they were often treated as either military actions under the law of armed conflict or as covert actions under intelligence authorities, depending on which agency ran the program and how publicly the United States wished to acknowledge its role. The assassination ban was sidestepped by insisting that targeted killings in armed conflict, or in response to imminent threats, did not constitute “assassination” within the meaning of the executive orders.

As the years passed, what had been introduced as exceptional measures against a specific, unprecedented threat became institutionalized. Targeted killing cells, interagency review boards, and standing lethal authorities turned the campaign into a continuous bureaucratic process. The global “battlefield” concept—treating large parts of the world as zones where lethal force could be used against certain categories of individuals without traditional declarations of war—took hold in both policy and law.

2.6 How “covert action” blurred into routinized lethal policy

By the second decade of the twenty-first century, the distinction between covert action and ordinary policy had eroded. Covert lethal operations were no longer rare, high-level gambles; they had become the steady-state background of national security practice. Presidential findings, once exceptional instruments authorizing discrete operations, now supported ongoing programs that generated thousands of strikes over many years. Oversight committees received

periodic briefings about casualty numbers and target lists, but their ability to question the underlying strategic logic or legal premises was limited by classification, political pressure, and sheer volume. [National Security Law Journal+3Congress.gov+3GovInfo+3](#)

In this environment, the old vocabulary of “covert action” began to feel almost euphemistic. When the same agencies and processes are used day after day to select individuals for killing in multiple theaters, the line between special activity and routine policy dissolves. The apparatus originally designed to give presidents a flexible, deniable option for exceptional situations had become a permanent feature of governance, with its own momentum, constituencies, and operational rhythms.

This evolution also affected how threats were framed. Once a standing machine for targeted killing exists, there is a constant temptation to apply it to new categories of enemies: suspected terrorists, insurgents, pirates, and, more recently, alleged narcotics traffickers on the high seas. The underlying question—whether a particular individual or group should be killed without trial—remains the same, but the justificatory narratives shift: terrorism yesterday, drugs today, perhaps other labels tomorrow.

For those charged with commanding and executing these operations, the normalization of covert killing poses a profound challenge. It is one thing to accept that, in rare and extreme circumstances, a state may resort to clandestine lethal force. It is another to live within a system where such force is continually employed, justified through secret legal opinions, and shielded from public scrutiny. In that world, the distance between “covert action” and the kind of routine, unexamined violence that Nuremberg sought to prevent becomes dangerously small.

3. Law’s Two Faces: Secret Opinions and Public Responsibility

From the inside, the American system of covert action often feels legally dense. Operations are wrapped in presidential findings, clearance procedures, legal reviews, and intricate rules of engagement. From the outside, however, the same actions can look starkly simple: people are being killed without trial, on the basis of evidence that no court has examined and the public may never see. The law, in other words, has two faces in this domain.

One face is inward-facing and classified. It consists of Office of Legal Counsel memos, interagency procedures, and statutory frameworks that channel presidential authority into formal documents. Inside this world, officials can genuinely feel that they are surrounded by law, operating within it rather than outside it.

The other face is outward and historical. It consists of the principles articulated at Nuremberg, the text of international humanitarian and human rights law, and the judgments of future courts

and publics that will not be bound by secret memos. In that universe, “following orders” and “our lawyers said it was legal” carry far less weight.

The tension between these two faces of law is not an abstraction. It shapes how presidents decide, how lawyers advise, and how officers experience their responsibilities. It is the tension between compartmented legality and public responsibility.

3.1 Presidential findings, Office of Legal Counsel memos, and compartmented legality

Modern covert action is anchored, on paper, in the requirement that the president sign a written “finding” determining that a covert action is necessary to support identifiable foreign policy objectives important to national security. This requirement, now codified at 50 U.S.C. § 3093, also obliges the executive branch to keep congressional intelligence committees “fully and currently informed” of such actions, subject to narrow exceptions for extraordinary sensitivity.

In practice, this means that when the United States undertakes a lethal covert operation, there is usually a signed document in a safe somewhere stating that the president has approved it. That document may be brief and general, authorizing a program rather than a single strike, but it creates a formal legal hook: the killing is now something the president has purportedly judged as necessary and important.

Surrounding these findings is a dense web of legal opinions. The Office of Legal Counsel (OLC) in the Department of Justice serves as the primary interpreter of law for the executive branch. Its opinions on the scope of presidential power, the meaning of statutes, and the application of international law to covert operations are treated internally as authoritative. For controversial practices—from interrogation methods to targeted killings—OLC has produced detailed memos explaining why, in the government’s view, certain actions are lawful. The notorious “torture memos” of 2002, for example, narrowed the definition of torture so aggressively that they effectively insulated harsh CIA interrogation practices from criminal liability, at least within the internal logic of the administration.

The combination of presidential findings and OLC opinions creates what might be called compartmented legality. Within a small circle of cleared officials, the operation is seen as legally endorsed at the highest levels. Most of the legal reasoning remains classified; many participants see only the bottom-line conclusion that an action is authorized and lawful. Those outside the compartment, including the general public and often even most members of Congress, are asked to accept that the necessary legal checks have been performed, without being able to inspect or challenge them.

3.2 Plausible deniability as a design objective

From the outset, covert action was explicitly designed to protect senior officials from being visibly implicated in controversial operations. NSC 10/2 in 1948 defined covert operations as activities “so planned and executed that any U.S. Government responsibility for them is not evident to unauthorized persons and that if uncovered the U.S. Government can plausibly disclaim any responsibility for them.”

This concept of plausible deniability served several purposes. Diplomatically, it allowed Washington to influence events without openly violating norms of non-intervention. Politically, it gave presidents a buffer: if an operation failed or became embarrassing, they could deny personal involvement or blame “rogue” elements. Legally, it blurred the line of responsibility, making it harder to attribute specific acts to specific decision-makers in a way that would satisfy a court.

Over time, plausible deniability evolved from a tactical posture to a structural principle. Operations were compartmentalized so that only a few people knew the full scope of an activity. Written records were minimized or kept in special channels. Intermediaries and proxies were used to distance U.S. officials from direct involvement. All of this made it more difficult for outsiders to prove that an unlawful killing was ordered or condoned at high levels.

The irony is that as law crept further into national security decision-making, plausible deniability became intertwined with legal process. Findings and memos documented approval within a classified sphere, while the operational design still aimed to maintain deniability in the public sphere. The system thus encouraged a split reality: internally, everyone might know that a specific leader had effectively ordered a death; externally, the state could maintain that it had no direct role or that the matter was too sensitive to discuss.

3.3 Nuremberg principles: rejecting “I was just following orders”

The Nuremberg trials after the Second World War articulated a very different vision of responsibility. When defendants claimed that they were merely obeying superior orders, the tribunal rejected this defense. The International Law Commission later distilled this stance into Principle IV of the Nuremberg Principles: “The fact that a person acted pursuant to order of his Government or of a superior does not relieve him from responsibility under international law, provided a moral choice was in fact possible to him.”

This principle was rooted in a simple idea: law must reach the individual, not only the state. If government officials could escape accountability by pointing upward to their superiors, serious crimes would go unpunished. Nuremberg thus insisted that individuals—whether heads of

state, ministers, generals, or field officers—bear personal responsibility for war crimes and crimes against humanity, regardless of domestic orders or legal opinions.

Subsequent international law has reinforced this stance. The doctrine of command responsibility holds that superiors can be liable for crimes committed by subordinates if they knew or should have known and failed to prevent or punish them. Modern statutes, such as the Rome Statute of the International Criminal Court, limit the scope of “superior orders” as a defense, treating it at most as a mitigating factor in sentencing.

Against this backdrop, the internal assurances of legality provided by presidential findings and OLC memos cannot, by themselves, shield individuals from Nuremberg-style accountability. If an operation amounts to an extrajudicial execution or an act of aggression under international law, the fact that it was authorized by domestic procedures does not erase the underlying wrong. The principle of personal responsibility cuts through the chain of command.

3.4 Domestic military law on refusing unlawful orders

American military law explicitly mirrors this duality. The Uniform Code of Military Justice requires service members to obey lawful orders, and failure to do so can result in court-martial. Articles such as Article 92 (failure to obey order or regulation) and related provisions form the backbone of discipline in the armed forces.

At the same time, doctrine emphasizes that only lawful orders bind. Field Manual 27-10 on the law of land warfare, for example, states that members of the armed forces are bound to obey only lawful orders, explicitly acknowledging that an order to commit a war crime must be disobeyed. Recent scholarship and training materials reiterate that military members have not only a right but a duty to refuse unlawful directives.

In principle, this creates a bridge between Nuremberg and daily military practice. Officers and enlisted personnel are taught that “just following orders” is no excuse if those orders require obvious crimes. Historical episodes such as the My Lai massacre in Vietnam are used to illustrate the catastrophic consequences of blind obedience and the importance of individual judgment.

In practice, however, the application of this duty becomes harder as orders are wrapped in secrecy and legal complexity. A soldier ordered to shoot unarmed civilians at close range can immediately recognize the illegality. A commander presented with a covert targeting package, accompanied by assurances that government lawyers have cleared it under classified interpretations of self-defense and covert action authorities, faces a more ambiguous situation. The illegality, if it exists, is legal and factual rather than visceral. The more compartmented and

technical the justification, the harder it becomes for individuals to know when their duty to disobey has been triggered.

3.5 The gap between classified legal cover and future tribunals

The controversy over OLC's early 2000s interrogation opinions illustrates how fragile classified legal cover can be. The memos authored by John Yoo, Jay Bybee, and others concluded that only pain equivalent to organ failure or death would constitute torture under U.S. law, effectively green-lighting waterboarding and other harsh techniques. For years, these opinions shielded officials and operatives from internal charges, framing their actions as lawful.

Over time, however, the memos were withdrawn, criticized by subsequent administrations, and condemned by legal scholars, human rights organizations, and international bodies. The Senate Select Committee on Intelligence's report on CIA detention and interrogation portrayed the program as abusive, ineffective, and inconsistent with American values and international obligations. Although the United States has not prosecuted the architects or implementers of these policies, the reputational damage has been substantial, and foreign jurisdictions have at times explored their own proceedings under universal jurisdiction theories.

This episode demonstrates that internal legal opinions are contingent and reversible. What is declared lawful today by an executive branch office can be repudiated tomorrow by the same government, even without a change in statute. More importantly, foreign courts or international tribunals are not bound by OLC's reasoning. They will apply their own interpretations of treaty obligations and customary law, with little regard for the internal memos that once reassured officials.

The same gap exists for covert lethal operations. A drone strike or boat attack that is carefully documented as lawful in classified files may later be judged a crime by external bodies, particularly if evidence emerges that those killed were not legitimate targets or that the legal theory supporting the strike was inconsistent with international norms. For commanders, this means that reliance on classified legal cover is a risky bet: it may protect them from domestic prosecution in the short term but offers no guarantee against later accountability.

3.6 Why legal process alone cannot resolve the moral question

Because of this duality, legal process—especially when it is secret—cannot fully resolve the moral question facing those who participate in covert killing. It can inform their judgment. It can reduce uncertainty. It may even be a necessary condition for legitimate action. But it is not sufficient.

First, the law itself can be indeterminate or malleable. Key terms such as “imminent threat,” “direct participation in hostilities,” and “armed conflict” admit of competing interpretations. Governments facing perceived dangers have strong incentives to adopt expansive readings that preserve operational flexibility. In such contexts, legal memos can become instruments of policy rather than neutral constraints.

Second, the institutions that generate secret legal opinions are embedded in the very executive branch they are ostensibly checking. OLC, for example, is part of the Department of Justice and serves the president. Its lawyers operate under time pressure, with incomplete information, and within a culture that often prizes enabling national security initiatives. This makes genuine independence difficult, especially when senior leaders have already chosen a preferred course of action.

Third, moral responsibility extends beyond compliance with positive law. Even if a particular operation squeaks through under a defensible legal theory, participants must still ask whether it is just, necessary, and proportionate; whether alternatives were considered; and whether the broader practice it sustains is compatible with the values they claim to defend. Law may permit actions that conscience rejects, just as it may condemn actions that conscience might, in tragic circumstances, accept.

Finally, history and faith traditions introduce their own standards. Nuremberg reminds officers that future tribunals may view today’s “hard decisions” through a different lens. Religious ethics may forbid certain kinds of killing even where law is permissive. For the Christian officer, for example, the command not to murder, the call to love enemies, and the criteria of just war create a moral horizon that cannot be collapsed into the latest OLC memo.

In this environment, the responsible exercise of command requires more than deference to legal process. It requires a cultivated conscience, a willingness to question convenient legal cover, and, in some cases, the courage to say no—to step down, to refuse, or to walk away from a machinery that law alone cannot save from itself.

4. Case Study: Boat Strikes, Drugs, and the Venezuela Theater

The 2025 campaign of U.S. air and missile strikes on small vessels in the Caribbean and eastern Pacific offers a concrete window into how a mature covert-action and targeted-killing apparatus can be redirected toward a new class of targets under a familiar narrative. Officially framed as a counternarcotics mission against “narco-terrorists,” the operation has destroyed at least twenty vessels and killed roughly eighty people in a few months, with no U.S. casualties and almost no survivors.[Wikipedia+1](#)

The case is revealing for several reasons. The geography situates the campaign close to Venezuelan waters, in a region already thick with geopolitical tension. The public justification leans heavily on the opioid crisis and the language of terrorism, even as independent data indicate that the main fentanyl supply chains do not pass through these routes. International bodies have rapidly criticized the strikes as violations of international law, while allied governments have expressed unease or outright condemnation. Inside the U.S. system, the early retirement of the regional combatant commander has been linked by multiple reports to disagreements over the mission's legality and conduct.[USNI News+1](#)

This section reconstructs the operation's basic contours, contrasts the official counternarcotics narrative with the empirical structure of drug flows, surveys international reactions, and examines how the Venezuela context turns a purported law-enforcement mission into a potential flashpoint between states.

4.1 Operational overview: geography, platforms, and rules of engagement

The strikes are part of an umbrella mission publicly labeled Operation Southern Spear, conducted under U.S. Southern Command. They began on 1 September 2025, when U.S. forces destroyed a speedboat in the Caribbean Sea that officials alleged was moving narcotics from the Venezuelan coast toward the southern Caribbean. Over the following weeks, additional strikes hit vessels in both the Caribbean and, later, the eastern Pacific, off or near the coasts of Venezuela, Colombia, and other Latin American states.[Wikipedia+2AP News+2](#)

Open-source reporting indicates that the platforms involved include ship-launched helicopters, fixed-wing aircraft, and possibly armed drones operating from U.S. Navy surface combatants and bases in the region. Waves of operations have coincided with the deployment of the USS Gerald R. Ford, the U.S. Navy's most advanced aircraft carrier, to the Caribbean with a large escort. The carrier group's stated role is to support the counternarcotics mission, but analysts widely view its presence as strategic signaling toward Venezuela.[AP News+1](#)

The rules of engagement mark a sharp departure from traditional maritime drug interdiction. Historically, U.S. and partner forces have relied on the Coast Guard and allied navies to detect suspect vessels, conduct hails and warning shots, board when possible, and seize drugs and arrest crews for prosecution. In the current operation, by contrast, U.S. forces have repeatedly used lethal force to sink boats, often without subsequent recovery of cargo or survivors. Only two people are reported to have been captured alive and repatriated; the rest are dead or missing.[Wikipedia+1](#)

Some reporting suggests that at least in early strikes, no serious attempt was made to interdict, warn, or capture before destroying the vessels, which concerned senior officers accustomed to

law-enforcement-style engagement at sea. Sources cited in regional outlets and defense media say that Admiral Alvin Holsey, the Southern Command chief, raised objections to a mission profile that authorized lethal attacks on suspected drug boats without prior boarding or clear evidence of hostile intent.[aa.com.tr+2Politico Pro+2](#)

From a legal and operational standpoint, the campaign thus straddles multiple domains. It uses military assets and tactics more typical of wartime engagements, but it targets small civilian vessels and alleged smugglers rather than recognized combatants, and it operates in international waters where law-enforcement norms have historically dominated.

4.2 The counternarcotics narrative: cocaine, fentanyl, and public messaging

Publicly, the Trump administration has framed the operation as a bold new front in the struggle against the U.S. drug epidemic. The president and his war secretary have repeatedly described the targets as “narco-terrorists” and claimed that each destroyed boat represented enough narcotics to kill tens of thousands of Americans. In speeches and social media posts, they have linked the strikes directly to the fentanyl crisis, implying that the vessels were part of a lethal pipeline of synthetic opioids into the United States.[Wikipedia+2The Washington Post+2](#)

This narrative serves several functions. Domestically, it ties visually dramatic military actions to a widely recognized public health disaster, giving the impression of decisive action against a diffuse, hard-to-see threat. Politically, it recasts maritime drug smuggling—a problem that has often been handled quietly through interdiction and prosecution—as a form of terrorism, thereby justifying military involvement and a more permissive use of force.

The language also functions as preemptive legal framing. By designating suspected traffickers as “narco-terrorists,” the administration seeks to place them closer to the category of enemy combatants than of ordinary criminals, potentially opening the door to arguments that the United States is engaged in an armed conflict with such actors and can treat them under the law of armed conflict rather than solely under human rights and law-enforcement standards.

At the level of messaging, the emphasis is on threat magnitude and moral clarity: faceless traffickers abroad versus vulnerable families at home. What is largely absent from official statements is granular evidence about the specific cargos, routes, or organizational links of the destroyed vessels, as well as any systematic analysis of how much these operations could realistically affect overdose rates in the United States.

4.3 Disputed facts: where opioids actually come from and how they move

Independent assessments of drug flows point to a significantly different picture than the one implied in the administration's rhetoric. For more than a decade, U.S. law-enforcement and policy analyses have consistently identified Mexico and China as the primary sources of illicit fentanyl and its precursor chemicals destined for the United States, with India emerging more recently as an additional source of precursors and finished product.[Council on Foreign Relations+4DEA+4Congress.gov+4](#)

These drugs typically enter the United States through routes that have little to do with small boats near Venezuela. Recent reports by the Government Accountability Office, Customs and Border Protection, and other agencies emphasize that most fentanyl is smuggled across the southwest land border in passenger vehicles and trucks, often hidden in legitimate cargo, while other quantities arrive via international mail and commercial shipping from East Asia. This reflects the economics and logistics of synthetic drug production, which favor concentrated manufacture near chemical supply hubs and well-connected land routes into the large U.S. market.[Government Accountability Office+2U.S. Customs and Border Protection+2](#)

Venezuela does play a role in regional drug economies, primarily as a transit point for Colombian cocaine headed to Caribbean islands, West Africa, or Central America. Small fast boats, fishing vessels, and aircraft have long moved shipments through or around Venezuelan waters. However, there is scant evidence in public sources that Venezuela is a significant node in fentanyl production or trafficking to the United States. The boats destroyed under Operation Southern Spear have been variously alleged to carry cocaine, mixed cargos, or unspecified drugs; officials have rarely produced physical evidence or detailed seizure data to substantiate their claims.[Wikipedia+1](#)

This divergence between the empirically documented structure of the fentanyl pipeline and the targets of the boat strikes has been highlighted by analysts and some lawmakers. It suggests that, at best, the campaign is tangential to the opioid crisis it invokes, and at worst, it uses that crisis as a politically powerful but misleading justification for a different set of strategic objectives.

4.4 International reactions: UN bodies, human rights organizations, and allied governments

International responses to the boat strikes have been unusually swift and sharp for a counternarcotics-labeled operation. A group of UN human rights experts stated in October 2025 that the use of lethal force against alleged smugglers in international waters, without clear legal basis or effort to arrest, amounts to extrajudicial executions and violates international human

rights law. They warned that covert or overt military action against another sovereign state in this context would constitute an even graver breach of the UN Charter.[Wikipedia+2OHCHR+2](#)

Volker Türk, the UN High Commissioner for Human Rights, subsequently called on the United States to halt the strikes, arguing that they were occurring outside the context of an armed conflict or active hostilities and therefore had to comply with strict law-enforcement standards on the use of lethal force. His office stated that there were “strong indications” that the killings were unlawful and demanded an independent investigation.[OHCHR+1](#)

Human rights organizations have echoed and amplified these concerns. Amnesty International described at least one of the strikes as “murder” and urged Congress to cut off funding for the operation. Other groups have focused on reports that some of those killed may have been fishermen or low-level couriers, and on the absence of efforts to rescue survivors or recover bodies.[Wikipedia+1](#)

Allied governments have also signaled discomfort. At a meeting of G7 foreign ministers, France’s foreign minister publicly stated that the U.S. strikes “disregard international law” and pressed Secretary of State Marco Rubio for clarification. Media reports indicate that at least one ally has quietly curtailed intelligence sharing related to suspect boats out of concern that such information could be used to support lethal operations of dubious legality.[The Guardian+1](#)

Taken together, these reactions paint a picture of broad international skepticism. Even governments that share U.S. concerns about drug trafficking are wary of endorsing tactics that look, in their judgment, closer to summary execution than to lawful interdiction.

4.5 Are these strikes war, policing, or extrajudicial execution?

Legally and conceptually, the central question is how to classify what the United States is doing. The administration has at times suggested that it is engaged in an “armed conflict” with narco-terrorist organizations, attempting to bring the strikes under the law of armed conflict, where combatants can be targeted on the basis of status rather than immediate threat and where due-process requirements are less stringent. Critics argue that the situation does not meet the threshold of armed conflict and that the strikes must therefore comply with human rights and law-enforcement standards, which permit lethal force only as a last resort to protect life.[Wikipedia+2Courthouse News+2](#)

If viewed as acts of war, the operations raise questions about the identity of the parties to the conflict and the geographic scope of hostilities. The groups named by U.S. officials, such as Tren de Aragua or elements of the ELN, are criminal or insurgent organizations, not states. Their activities, while violent and transnational, have not been internationally recognized as

constituting a war against the United States. Declaring a unilateral armed conflict against such actors on the high seas risks eroding the distinction between war and crime and could provide a precedent for other states to treat domestic criminals as enemy combatants beyond their borders.

If seen as policing, the strikes clearly depart from established norms. Law-enforcement operations at sea prioritize interdiction, arrest, and evidence collection. Lethal force is tightly constrained and subject to after-the-fact judicial review. Sinking vessels from the air, without boarding, warnings, or attempts to rescue, is difficult to reconcile with this model.

If neither war nor genuine policing, the operations drift toward the category that UN bodies have invoked: extrajudicial execution. In that frame, the essential features are clear. Individuals are being killed by state agents without prior judicial process, on the basis of secret intelligence, in circumstances where capture was at least sometimes feasible, and without transparent post-hoc accountability. Whether or not such killings can be squeezed into permissive interpretations of self-defense or covert action law, they sit uneasily with any robust notion of a state bound by law when it uses lethal force.

4.6 The Venezuela dimension: regime pressure, signaling, and escalation risk

The geographic and political proximity of Venezuela adds another layer of complexity. Many of the Caribbean strikes have taken place near Venezuelan waters, and U.S. officials have explicitly linked some targets to Venezuelan criminal organizations. At the same time, the United States does not recognize Nicolás Maduro as Venezuela's legitimate leader and has long sought to isolate and pressure his government. The deployment of a U.S. carrier strike group to the region has therefore been widely interpreted not only as an anti-drug move but as a show of force aimed at Caracas.[AP News+2PBS+2](#)

Reports indicate that internal U.S. discussions have gone beyond purely maritime operations, with some officials advocating contingency plans for strikes on Venezuelan soil against alleged drug-related facilities. While no such actions have been publicly acknowledged, the possibility of escalation is clearly on the table. For its part, Venezuela has denounced the boat attacks as violations of its sovereignty and has mobilized elements of its armed forces, conducting exercises and issuing warnings about foreign aggression.[AP News+2Al Jazeera+2](#)

In this context, the counternarcotics rationale looks increasingly entangled with traditional power politics. A campaign ostensibly aimed at anonymous smugglers doubles as a pressure tool against a hostile regime. Conversely, any misidentification or accidental strike inside territorial waters could be framed by Caracas as an act of war. The presence of high-value U.S. assets like the Gerald R. Ford increases the stakes of any confrontation or miscalculation.

For commanders in the chain of command, this environment heightens both strategic and moral risk. Strategically, they must manage an operation that could slide from law-enforcement-style targeting of criminals into interstate conflict. Morally and legally, they must balance orders to apply lethal force against small boats with awareness that international bodies, allies, and perhaps their own consciences question the legitimacy of the mission. It is in such liminal spaces—where a deniable war on crime shades into undeclared war between states—that the specter of Nuremberg grows most vivid.

5. The Conscience of Command: Admirals, Generals, and Early Exits

The architecture of covert and deniable force is not abstract for the people who sit at the top of it. Combatant commanders and other senior officers know that their signatures, their voice orders, and their tacit consent are what turn policy into lethal action. They also know, or ought to know, that any future reckoning will not interrogate anonymous “systems” but named individuals. That awareness creates a distinctive moral pressure at the top of the chain of command, especially when the legality and wisdom of a mission are contested.

In recent controversies, including the boat strikes, observers have paid special attention to the decisions of four-star commanders who appeared to distance themselves from particular campaigns or to leave their posts early. Within the profession, such moves are rarely interpreted as purely personal. They are read against a background of education in the law of armed conflict, ongoing training about unlawful orders, and a culture that prizes loyalty to civilian leadership while still invoking Nuremberg as a cautionary tale. The result is a complex, often painful, set of choices about whether to protest, to temporize, or to walk away.

5.1 What it means to wear the operational signature on one’s name

For a senior commander, the chain of responsibility is not an abstraction but a daily reality. Operational plans, execution orders, and rules of engagement carry their name and authority. Even when decisions are made collaboratively and filtered through staffs, the commander embodies the operation. If something goes catastrophically wrong, it is the commander who faces questions in hearings, inquiries, and history books.

This sense of ownership extends beyond formal accountability. Admirals and generals understand that subordinates will interpret their orders as moral guidance as well as legal direction. When they approve a strike package or sign a campaign plan, they are not only authorizing the use of force; they are also telling thousands of people, implicitly, “This is something we are willing to do in our name.”

In the context of deniable killing, that burden is heavier. The covert character of the operation means that the usual mechanisms for distributing responsibility outward—public debate, legislative oversight, judicial review—are attenuated. The commander stands closer, in moral terms, to the decision to kill, even if the formal paperwork emphasizes presidential authority and legal review. To “wear” the operational signature is to accept that one’s own conscience, not only one’s career, is bound up with what the operation becomes.

5.2 Education in Nuremberg: how modern officers are taught about unlawful orders

Modern professional militaries explicitly teach the lessons of Nuremberg. Students at staff colleges and war colleges read case studies of commanders who were held responsible for crimes committed by their subordinates. Training in the law of armed conflict underscores that obedience has limits and that certain acts—deliberate killing of prisoners, targeting civilians, torture—are never permissible, regardless of orders.

This education is reinforced by more recent examples. Cases such as the My Lai massacre in Vietnam or abuses at Abu Ghraib in Iraq are used to drive home the consequences of moral collapse in the ranks. Officers are told that they must recognize manifestly illegal orders and refuse them, and that failure to do so can lead to both legal punishment and lasting stain on the service.

However, much of this training is framed in relatively clear-cut scenarios: shooting surrendering enemies, intentionally shelling a hospital, or carrying out a massacre. The subtle, legally engineered world of covert targeting receives less explicit treatment. Officers may hear that operations have been cleared “by the lawyers” or “at the highest levels” without ever seeing the underlying reasoning. The same institutions that warn them against blind obedience also ask them to trust legal opinions they cannot read and decisions made in classified compartments they cannot fully access.

This creates a gap between the straightforward lessons of Nuremberg—as they are taught in classrooms—and the murkier reality of contemporary operations. An officer may intellectually understand that “just following orders” is not a defense, while practically depending on opaque legal assurances to know whether an order is lawful.

5.3 The dilemma of classified disagreement: protest, slow-rolling, or resignation

When a senior commander comes to doubt the legality or morality of a mission, the options are constrained by classification, culture, and oath. Public dissent is largely off the table. Speaking openly about operational concerns would risk disclosing sensitive information and would be

seen as undermining civilian control. The pathways that remain are internal: private protest up the chain of command, appeals to legal advisors and inspectors general, quiet attempts to tighten rules of engagement, or efforts to reduce the scope and tempo of operations.

Each of these avenues carries risk. Vigorous internal protest can brand an officer as “not a team player,” jeopardizing future assignments and influence. Slow-rolling a mission—delaying implementation, narrowing targets, insisting on additional verification—may protect some lives but can be interpreted as insubordination or lack of resolve. Resignation or early retirement removes the officer from complicity but also forfeits any ability to mitigate harm from within.

Moreover, the classified nature of the disagreement means that the officer cannot fully explain their stance to the public, or even to many peers. They must decide in the dark whether the internal avenues are meaningful or merely procedural, whether the legal and policy apparatus is receptive to moral argument or has already locked into a course of action. The more the system is oriented toward enabling presidential will, the more resignation becomes the only way to avoid entanglement, and the more costly that choice appears.

5.4 Early retirement as a quiet act of conscience

Early retirement or stepping down before the normal end of a tour is one of the few visible signals a senior officer can send when they no longer wish to be associated with a mission. Official announcements will nearly always frame such moves as routine transitions, personal decisions, or standard career timing. Public statements by the officer themselves will be heavily sanitized, both by law and by professional norms.

Yet within the context of an ongoing, controversial operation, timing speaks. When a commander leaves soon after clashing with civilian leadership over targeting, rules of engagement, or risk thresholds, observers reasonably infer that disagreement played a role, even if no one confirms it on the record. Inside the profession, such exits are remembered and talked about, becoming part of the informal moral history of the campaign.

For the officer, early retirement is a double-edged instrument. It can be a way to avoid further complicity, to protect subordinates from being pressured through their name, and to preserve a measure of integrity. At the same time, it can feel like abandonment: leaving others to execute orders without the moderating influence they might have provided. It can also be misread or spun as a purely personal or political move, obscuring the moral impulse behind it.

Because of this ambiguity, early retirement as conscience is both powerful and fragile. It offers a path of refusal that does not openly break with civilian control, but it does so at the cost of

silence. Future historians may discern the underlying pattern; contemporaries must read between the lines.

5.5 How subordinates read these exits inside the profession

Within the armed forces, the departure of a senior commander rarely passes without commentary. Officers and enlisted personnel alike trade interpretations in wardrooms, staff meetings, and informal networks. Was the commander pushed out for resisting? Did they leave to avoid carrying out a controversial directive? Or were the reasons truly unrelated to the mission?

These narratives matter. If subordinates come to believe that a commander left because they refused to cross a line, that story can function as a quiet rebuke to the operation and a reminder that conscience has a place even at the highest levels. It can also create space, however small, for others to voice concern or to seek assignment away from the mission.

Conversely, if the dominant interpretation is that the commander was removed for being “too soft” or “insufficiently aggressive,” the effect can be chilling. Ambitious officers may learn that raising legal or ethical questions is career suicide, and that success is measured in compliance rather than judgment. In such an environment, the lessons of Nuremberg recede and the incentives for complicity grow.

Because the facts are usually classified and the official narrative carefully curated, these professional interpretations hover in a zone of rumor and inference. Nonetheless, they form part of the moral ecosystem of the military. They shape how future commanders evaluate their own choices, and how junior officers imagine the trade-offs they may one day face.

5.6 The thin line between loyalty, prudence, and complicity

For admirals and generals in the center of controversial operations, the boundary between loyalty, prudence, and complicity is rarely sharp. Loyalty to civilian leadership is a foundational principle of democratic civil-military relations. Prudence counsels working within the system to mitigate harm, tighten standards, and prevent rash actions. Yet both can shade, almost imperceptibly, into complicity when they are invoked to justify continued participation in actions that conscience and law call into question.

One way to think about the line is temporal. Prudence may justify temporary compromise—accepting some contested aspects of a mission while working to change them—if there is a realistic path to improvement. When it becomes clear that the core pattern of behavior will not

change, continued participation drifts toward endorsement. Another dimension is transparency to oneself. If an officer finds themselves constantly explaining away their unease, or leaning heavily on secret legal opinions to quiet inner objections, that is a warning sign that loyalty is being used as a shield against moral clarity.

The Christian tradition, and other faith perspectives, sharpen this analysis. They remind leaders that their ultimate loyalty is not to any state or superior but to a higher law, and that prudence must not become a pious name for fear. They also offer a vocabulary—sin, repentance, courage, witness—for describing what is at stake when a person in authority chooses to resist, to resign, or to remain.

In the end, the conscience of command is tested not only in dramatic acts of defiance but in the slow accumulation of decisions to speak up or remain silent, to narrow a strike list or let it expand, to stay or to go. In systems built for deniable killing, those choices are often made in the shadows. But they are no less real for being unseen, and history has a way of dragging them, eventually, into the light.

6. Moral Injury and the Professional Soldier in the Age of Targeted Killing

The age of targeted killing has not only reshaped the external landscape of conflict; it has also altered the inner landscape of those who plan and execute these operations. When force is used in ways that are legally and morally ambiguous, the cost is not confined to the bodies of the dead. It is carried home in the minds of aircrew, analysts, lawyers, and commanders who must live with what they have done, ordered, or enabled. The term most often used for this burden is moral injury: the damage done to a person's sense of right and wrong when they believe they have participated in, failed to prevent, or been betrayed into grave wrongdoing.

Covert and remote killing intensify this phenomenon. The distance between shooter and target grows, but so does the distance between the individual and transparent moral judgment. The more operations are justified by secret legal opinions and contested narratives, the harder it becomes for those inside the system to know whether they have acted justly. Over time, that uncertainty corrodes both personal well-being and institutional trust.

6.1 Defining moral injury beyond PTSD

Moral injury is often discussed alongside post-traumatic stress disorder, but the two are not the same. PTSD is rooted in exposure to life-threatening events and the brain's physiological response to overwhelming fear. Its hallmark symptoms—hyperarousal, intrusive memories, avoidance—reflect a nervous system that has been pushed beyond its capacity to cope.

Moral injury, by contrast, is rooted in perceived violation of deeply held moral beliefs. It arises when a person believes they have done something that cannot be reconciled with their understanding of what is right, or when authority figures whose judgment they trusted lead them into actions they later judge to be gravely wrong. Its core experiences are guilt, shame, betrayal, and the sense of being alienated from one's former self or community.

For professional soldiers, this can take many forms. It may be the memory of a particular incident—a strike that hit the wrong house, an order that felt excessive, a civilian presence overlooked in the rush to act. It may be more diffuse: the realization, years later, that an entire campaign was built on false premises, or that the legal and moral assurances given at the time were hollow. While PTSD can be treated with therapies aimed at regulating fear responses, moral injury demands engagement with meaning, responsibility, forgiveness, and sometimes repentance.

6.2 Remote and covert killing: distance, ambiguity, and psychological burden

The rise of remote and covert killing has often been defended on the grounds that it protects one's own forces and allows precise, discriminate use of force. Technically and tactically, that is sometimes true. Psychologically, however, distance and secrecy create new forms of burden.

When operators engage targets from thousands of miles away, they are spared immediate physical danger, but they are not spared awareness. Drone crews, for example, may spend hours watching a target's life unfold on screen before being ordered to strike. They see gestures, routines, and family members enter and leave the frame. After impact, they may observe the aftermath in close detail. The intimacy is visual and sustained, yet it is mediated by technology and framed by the assumption that the person in the crosshairs is killable.

In covert operations, an additional layer of ambiguity intervenes. Those pressing the button or authorizing the shot often rely on intelligence whose sources, methods, and reliability they cannot fully evaluate. They are told that the target is a trafficker, a terrorist, a high-value node in a dangerous network. When later reports suggest that the casualty was misidentified, or that the network itself was misunderstood, the people who carried out the strike must reconcile their role in an outcome that now feels dubious.

Secrecy prevents open processing of these events. Operators cannot talk freely with family, friends, or even other units. Many are bound by nondisclosure agreements that make it difficult to seek help in ordinary therapeutic settings without omitting crucial context. The result is a kind of moral claustrophobia: the mind turns inward on questions it cannot fully articulate and cannot easily resolve.

6.3 The special vulnerability of senior leaders versus operators

Moral injury is often associated with frontline personnel, but senior leaders face their own distinctive vulnerabilities. Operators are close to the immediate act of killing; they carry memories of specific scenes. Their sense of agency is real but bounded: they follow rules of engagement, execute tasks, and trust that superiors and policymakers have framed the mission justly.

Senior leaders inhabit a different space. They see the pattern rather than the single incident. They know how targets are selected, how intelligence is weighted, how much political pressure is bearing down on the process. They sign the orders, approve the rules of engagement, and brief civilian authorities. When something goes wrong, they cannot easily tell themselves that they were mere cogs in a machine; they helped design the machine.

This broader vantage point can deepen moral injury in two ways. First, leaders may come to doubt the integrity of the entire campaign, not just isolated actions. Second, they are acutely aware that their decisions expose subordinates to legal and moral risk. The thought that soldiers and sailors may one day face scrutiny or prosecution for acts they were directed to perform under the leader's command can be a heavy burden.

In the context of contested operations like the boat strikes, a senior commander must live with the knowledge that international bodies and parts of the professional legal community view the mission as unlawful. Even if domestic legal advisors have blessed it, the commander's imagination is pulled forward to possible future tribunals and backward to Nuremberg. That anticipatory awareness of judgment—by courts, by history, by God—can wound as deeply as any battlefield trauma.

6.4 Institutional strategies for burying doubt versus surfacing it

Institutions confronted with the moral costs of their actions have two broad options: they can help their members face and integrate doubt, or they can attempt to suppress it. In practice, most militaries do some of both.

One strategy for burying doubt is euphemistic language. Targets become “packages,” deaths become “effects,” and killings are described as “kinetic actions” or “neutralizations.” This language creates a buffer between the reality of death and the people authorizing it. Another strategy is legalization: presenting controversial operations as the outcome of meticulous legal process, encouraging participants to outsource moral judgment to lawyers and to treat the existence of a memo as sufficient assurance.

Compartmentalization is a third strategy. By tightly restricting who knows what, institutions limit the number of people who see the full picture. Each participant can tell themselves that their role is limited and that someone else, higher up or in another agency, bears responsibility for the overall rightness of the enterprise.

On the other side, more constructive strategies exist. Chaplaincy programs, ethics briefings, facilitated moral deliberation groups, and candid after-action reviews can create avenues for personnel to voice unease and grapple with dilemmas. Commanders who acknowledge moral complexity rather than insisting that everything is “by the book” signal that conscience is welcome.

The trouble is that in politically sensitive operations, the incentives favor suppression. Admitting doubt can be perceived as undermining the mission or handing ammunition to critics. As a result, official discourse often remains one-dimensional, even while private conversations seethe with questions. The dissonance between public certainty and private unease is itself a source of moral strain.

6.5 Long-term consequences for trust in the military profession

Moral injury in individuals aggregates over time into broader consequences for the profession. Soldiers and officers who feel betrayed by the missions they were asked to carry out may lose trust in civilian leaders, in their own institution, or in the values it claims to uphold. Some leave early, taking with them experience and quiet wisdom. Others remain physically present but emotionally detached, doing their jobs with a layer of cynicism.

This erosion of trust can manifest in several ways. Recruitment and retention may suffer if stories circulate, even informally, that certain commands or specialties are morally toxic. The appetite for future operations may decline among those who have seen the psychological and ethical toll up close. Conversely, if dissenters are pushed out and only the most compliant remain, the institution may drift toward a culture where critical judgment is rare and obedience is prized over integrity.

The relationship between the military and the broader society is also affected. Public narratives of “precision,” “surgical strikes,” and “lawful, necessary action” may sit uneasily beside the internal experience of those who know the imperfections and shortcuts that lurk behind the rhetoric. If veterans begin to speak out, or if external investigations eventually confirm what insiders suspected, the sense of betrayal can extend to the citizenry: trust that the military uses force sparingly and lawfully is hard won and easily lost.

Over the long term, a profession that does not take moral injury seriously risks hollowing out its own ethical core. Technical competence and tactical excellence cannot fully compensate for an internal culture where unresolved guilt and suppressed doubt accumulate generation after generation.

6.6 Nuremberg anxiety as a form of anticipatory moral injury

One distinctive feature of the current era is what might be called Nuremberg anxiety: a persistent, forward-looking fear among some officers and officials that they may one day be judged as criminals for actions they are being told are lawful today. This is not paranoia; it is a rational response to the historical record. Officials in other times and places have stood in courts and listened as their own documents, memos, and orders were read back to them under a very different moral and legal light.

Anticipatory moral injury arises when a person feels trapped between the demands of loyalty now and the possibility of condemnation later. They may experience vivid imaginings of future tribunals, inquiries, or commissions replaying their decisions. Even if such formal proceedings never occur, the imagined courtroom becomes a psychological reality, a place where their children, peers, or descendants assess their actions with more clarity than was available in the moment.

This anxiety can have conflicting effects. For some, it sharpens conscience and prompts resistance, leading them to push back against dubious orders or to leave positions they feel are corrupting. For others, it produces fatalism or deepened reliance on legal cover: if the memos are in order, perhaps history will be kind. A few may become hardened, deciding that power and necessity trump all future judgment.

From a moral perspective, Nuremberg anxiety is a sign that the person remains sensitive to the higher law that stands above any particular government. It is painful, but it is also a resource. It keeps alive the awareness that law's second face—the one that looks outward and forward—cannot be permanently silenced by classified opinions. When institutions acknowledge and engage this anxiety, they can help their members act with greater integrity. When they deny it, they leave individuals alone with a fear that, unaddressed, slowly eats away at their capacity to believe in the profession they serve.

7. Christian and Theological Perspectives on Orders, Obedience, and Murder

For Christians, the dilemmas described so far are not merely professional or legal; they cut directly across questions of discipleship. A believing officer stands under at least three

authorities at once: the state, the profession of arms, and God. In ordinary circumstances these loyalties can be harmonized. In the shadow of covert killing, they can collide.

The classic language of faith—commandments, conscience, vocation, sin, and grace—offers ways to name this collision that secular legal discourse cannot. It insists that the morality of an act does not evaporate because it is classified, and that responsibility does not stop at the edge of a signature block. It also refuses to treat obedience as an absolute, even when the state is powerful and its enemies are real.

7.1 Caesar and conscience: limits of obedience in Christian tradition

Christian tradition has long wrestled with the tension between honoring civil authority and obeying God. On the one hand, the New Testament exhorts believers to “be subject to the governing authorities,” seeing them as instruments for maintaining order. On the other, when the apostles are commanded to stop preaching, they respond that they must obey God rather than men. The pattern is clear: civil obedience is the default, not the ultimate.

Theologians across centuries have elaborated this limited deference. Augustine and Aquinas both argued that laws contrary to divine justice lack true binding force. Later, reformers and confessors facing tyrannical regimes insisted that there are times when resistance or refusal is not only permitted but required. The Christian is not a free agent, but neither is he a mere instrument of Caesar.

For a Christian officer, this means that loyalty to the state is genuine but conditional. When orders align with justice, obedience is a form of service to God as well as to country. When orders command what is clearly evil, obedience becomes complicity. The challenge in covert operations is that the evil is often obscured by secrecy, technical language, and legal argument. Conscience must therefore remain awake, even—or especially—when the chain of command insists that everything is in order.

7.2 The command “you shall not murder” in the context of state violence

The prohibition against murder sits near the center of Christian moral teaching. For centuries, theologians have distinguished between prohibited killing and certain forms of permitted or tolerated killing: self-defense, just war, capital punishment under strict conditions. Whatever one’s position on these distinctions, the core assumption is that taking life is never morally trivial. It is either a tragic necessity in a very narrow band of circumstances or a grave sin.

Covert killing pushes hard against those boundaries. Unlike a soldier on a battlefield, the organizers of targeted strikes against suspected traffickers or terrorists operate far from immediate danger. They do not face an enemy charging their line; they face dossiers, images, patterns of life. The risk to themselves is political and professional, not mortal. The rationale is also different. Rather than responding to an attack in progress, they are acting on intelligence assessments and probabilistic judgments about future harm.

In such contexts, the question “Is this killing an act of defense or an act of murder?” cannot be answered by reference to uniforms or declarations of war. It turns on whether the person targeted truly poses a grave and imminent threat, whether all reasonable alternatives have been exhausted, and whether the decision-maker is willing to stand before God and affirm that this specific death was necessary and just. When those conditions are not met, the language of statecraft cannot cleanse the act. It remains, in moral terms, killing without warrant.

7.3 Just war criteria and their stress test under covert action

The just war tradition arose precisely to place limits on state violence. It asks two sets of questions: when may a war or use of force be initiated (*jus ad bellum*), and how must it be conducted (*jus in bello*). Criteria such as just cause, legitimate authority, right intention, last resort, proportionality, and discrimination are designed to sift righteous defense from aggression and vengeance.

Covert action strains these criteria. Legitimate authority ordinarily implies public authorization by recognized rulers and some degree of transparency. Covert killing, by design, relies on secrecy and deniability. Just cause requires a real, present danger; yet many covert programs operate on broad, preventive rationales, targeting people who might one day pose a threat. Right intention demands that force be used to restore peace and protect the innocent; in practice, covert operations are often entangled with power projection, signaling, and domestic political considerations.

The requirements of last resort and proportionality also come under pressure. If the target cannot be arrested or deterred, lethal force may be the only remaining option. But often, alternatives—diplomatic pressure, law-enforcement cooperation, financial disruption—have not been fully exhausted. Proportionality, too, is difficult to assess when the true effects of a strike, including blowback and long-term destabilization, are opaque even to planners.

Finally, discrimination suffers when strikes are based on patterns of life, association, or vague labels like “narco-terrorist.” The risk of killing the wrong person or of treating low-level actors as if they were masterminds is acute. Taken together, these stresses suggest that just war

principles, if applied honestly, would sharply limit the scope of covert lethal operations and rule out many of the practices that have become routine.

7.4 When killing without trial becomes a form of bearing false witness

Another commandment comes into view when the state kills without trial: the prohibition against bearing false witness. To execute someone publicly after a fair trial is to say, “We have examined the evidence, and we stand by this judgment.” To kill someone secretly on the basis of undisclosed intelligence is to make the same assertion without showing one’s work. It is a claim about the victim—that they deserved death—that cannot be tested.

In biblical terms, false witness is not limited to literal lies in court; it includes all forms of unjust accusation that destroy reputation and life. Covert killing magnifies the danger because the person killed cannot defend themselves, and those who knew them have little recourse to challenge the state’s narrative. When the state insists that a sinking boat was full of deadly threats without publicly demonstrating the case, it risks wrapping violence in unverified judgment.

For Christian conscience, this is not a minor issue. To participate in a system that routinely asserts guilt without due process is to stand very close to the sin of false witness, even if the targets are often genuinely involved in wrongdoing. The more the state relies on secret evidence and unchallengeable classifications to justify killing, the more it trains its servants to accept that unproven accusations can carry the weight of a death sentence. That habit of mind is corrosive both spiritually and civically.

7.5 The vocation of the Christian officer in a covert-action state

Given these tensions, what does it mean for a Christian to accept a commission in a state that maintains a covert-action apparatus? One answer would be withdrawal: refuse such roles altogether. Another is uncritical participation: assume that the state knows best and bracket faith from professional duties. Neither approach does justice to the complexity of vocation.

A more demanding path sees the Christian officer as called to occupy this fraught space with eyes open. That vocation includes at least three elements. First, the officer must cultivate a well-formed conscience, steeped in Scripture and tradition, capable of recognizing when obedience has crossed into wrongdoing. Second, they must be willing to use whatever influence they have to restrain excess, insist on rigorous standards, and push for alternatives to killing where possible. Third, they must be prepared, if necessary, to say no—to recuse themselves from specific operations, to request reassignment, or in the last resort to leave the service.

This is not a license for self-righteousness. Christian officers remain bound by humility and by the awareness that they do not see all the facts. But it is a refusal to hide behind that limitation as an excuse for passivity. The covert nature of the work makes their witness quieter and more costly, but it does not void their responsibility. In some cases, simply asking hard questions in classified rooms may be the most faithful act available.

7.6 Prayer, discernment, and the courage to walk away

Finally, the resources of faith are not only conceptual but practical. Prayer, spiritual counsel, and communal discernment are not optional extras for Christian leaders in these roles; they are lifelines. Decisions about participation in particular missions, acceptance of certain commands, or the choice to retire early cannot rest solely on professional calculations. They must be wrestled through before God.

Discernment in this sense involves attending to both inner and outer signs: unease that will not dissipate, patterns of rationalization, the quiet testimony of colleagues, the dissonance between official narratives and observable reality. It may mean seeking the guidance of a chaplain, pastor, or trusted spiritual friend who has no stake in the mission's success. It certainly means returning again and again to the basic questions: Is this action truly necessary to protect life? Is it consistent with the character of Christ? Can I imagine standing before God and owning it without evasion?

The courage to walk away is rarely dramatic. It may look like declining a particular assignment, asking to be relieved of a planning role, or submitting retirement papers a few years early. It may never be publicly explained. From a Christian perspective, however, such choices can be acts of obedience as profound as any battlefield sacrifice. They witness to the belief that no career, no promotion, and no government program is worth the health of one's soul.

In a state that wields hidden violence, Christians who serve within its instruments of force are placed in a perilous position. They are also given a unique opportunity: to be, in small and imperfect ways, a check on the machinery of death, a reminder that even in secret rooms, the words "you shall not murder" and "you shall not bear false witness" still speak.

8. Designing a "Nuremberg-Proof" Chain of Command

To speak of a "Nuremberg-proof" chain of command is to admit that no human institution can be perfectly insulated from future judgment. It is, however, possible to design systems that make it far less likely that individuals will be pressured into crimes, and far more likely that when wrongdoing is attempted, it will be resisted, exposed, and halted. The aim is not to create

legal invincibility but to cultivate moral and legal resilience: structures in which obedience and conscience reinforce, rather than undermine, each other.

Such a design cannot be bolted onto an existing apparatus as a cosmetic layer. It requires rethinking organizational principles that have long been treated as normal—especially plausible deniability, maximal secrecy, and the outsourcing of lethal action to entities that sit at the margins of formal military law. It also requires treating dissent and refusal not as pathologies to be weeded out, but as essential safety valves.

8.1 What Nuremberg actually requires of individuals and institutions

At its core, Nuremberg stands for three interlocking claims. First, certain acts—war crimes, crimes against humanity, aggressive war—are crimes under international law regardless of whether domestic law permits them. Second, individuals at all levels can be held personally responsible for these acts; they cannot hide forever behind the shield of “the state” or “the system.” Third, leaders bear heightened responsibility when they order, enable, or fail to prevent such crimes.

For individuals, this translates into a duty to exercise moral judgment, not simply to follow orders. They are expected to recognize manifest illegality and to refuse participation in clearly criminal acts. For institutions, it implies an obligation to educate their members about these standards, to structure decision-making so that criminal plans encounter friction, and to ensure that avenues exist for reporting and resisting unlawful directives.

A Nuremberg-aware chain of command therefore has two tasks. It must give clear, positive guidance about what is permitted and required, so that people are not left guessing in good faith about obvious matters. And it must create space for negative judgment—for people to say, “No, this crosses the line”—without being crushed by the weight of hierarchy. Any design that systematically discourages such judgment, or that rewards blind compliance above all else, is already drifting toward Nuremberg’s shadow.

8.2 Eliminating plausible deniability as an organizational principle

Plausible deniability was built to protect leaders from embarrassment and accountability. A Nuremberg-proof system must reject it as an organizing idea. The standard should not be “can we deny this?” but “can we defend this?” If an operation cannot be truthfully explained and justified in principle—even if some details must remain classified—it should not be undertaken.

Practically, this means several things. First, responsibility should be clearly documented and owned. Decisions about lethal force, particularly outside traditional battlefields, should be traceable to named officials with explicit authorities. Shadow arrangements, where informal instructions are passed verbally to preserve deniability, should be treated as red flags in themselves.

Second, the aim of classification should be protection of sources, methods, and operational security, not protection of reputations. Internal records should assume eventual scrutiny by foreign courts, historians, and the public. This disciplines the decision-maker to imagine how their actions will look when the fog of urgency has lifted.

Third, leaders must be taught that personal political risk is not a legitimate reason to hide the nature of an operation from the institutions that bear responsibility for oversight. If a plan cannot be shared, at least in general terms, with the legislature, the inspector general, and independent legal advisors, it is a poor candidate for morally serious action.

8.3 Bright-line rules against certain categories of targeting

Ambiguity is where abuse thrives. One way to reduce the risk of sliding into Nuremberg territory is to adopt bright-line prohibitions on categories of lethal action that are structurally prone to error and misuse.

Examples might include clear bans on:

- Targeted killing outside recognized armed conflict, except in narrowly defined, immediate self-defense where capture is genuinely infeasible.
- “Signature strikes” based solely on patterns of life or association, without individualized identification of the target as a direct participant in hostilities or perpetrator of grave crimes.
- Lethal force in support of law-enforcement objectives—such as drug interdiction on the high seas—unless there is an imminent threat to life that meets strict human rights standards.
- Participation in, or material support for, partner operations that violate the law of armed conflict or human rights norms, even when the partner is nominally acting alone.

These rules should be written in simple language, widely taught, and integrated into rules of engagement. They should not be susceptible to easy re-labeling. Calling a trafficker a “narco-terrorist” should not magically move them into a different legal category. Nor should tired metaphors about “battlefields” transform ordinary spaces into zones of exception.

Bright lines do not remove the need for judgment, but they provide guardrails. They tell commanders and operators, in effect: “Whatever pressures you face, you may not cross these boundaries. If ordered to do so, you must refuse.”

8.4 Transparent review mechanisms and independent legal oversight

Even well-drafted rules can be bent by institutions determined to justify what they have already decided to do. A Nuremberg-proof structure therefore needs robust review mechanisms that are not entirely captive to the operational chain of command.

At minimum, this involves three layers. First, internal legal advisors whose careers do not depend solely on pleasing senior operators. Judge advocates and civilian lawyers should be empowered to issue written opinions, raise objections, and insist that their analysis be preserved in the record, even when overruled.

Second, independent oversight bodies with genuine access to classified information. Legislative intelligence committees, inspectors general, and perhaps specialized courts or panels should be able to review categories of operations, audit targeting processes, and investigate incidents where civilians may have been unlawfully killed. Their findings should carry weight, not be treated as formalities.

Third, mechanisms for retrospective transparency. While full declassification may take years, there should be a presumption that major lethal programs will eventually be publicly described and subject to external scrutiny. Knowing that decisions will not remain buried forever focuses the minds of those who make them.

Crucially, these oversight structures must be designed so that they cannot be easily bypassed by shifting a program from one legal authority to another. If moving a drone operation from a military to an intelligence ledger instantly removes it from independent review, the entire architecture becomes a shell game.

8.5 Rebalancing CIA and uniformed military roles in lethal action

One structural choice that bears directly on Nuremberg risk is who pulls the trigger. When lethal missions are run primarily through the intelligence apparatus, they often fall under legal regimes with less transparency, weaker external oversight, and fewer culturally internalized norms of the law of armed conflict. When they are run through the uniformed military, they are more tightly bound by codified doctrine, training, and the expectation of eventual public accounting.

A Nuremberg-conscious design would tilt lethal authority away from covert intelligence channels and toward the military, to the greatest extent possible. Intelligence agencies would focus on collection, analysis, and liaison, while military units, operating under clearly articulated legal frameworks, would execute any necessary uses of force.

This does not magically solve the moral problems of targeted killing. But it does bring those actions into a space where professional culture has long wrestled with questions of lawful and unlawful orders, where the Uniform Code of Military Justice applies, and where chains of command are more clearly defined.

In parallel, the temptation to create hybrid entities—units that blur lines between soldier and spy, operating in perpetual legal twilight—should be resisted. The more ambiguous the institutional identity, the harder it is to apply consistent standards and to assign responsibility.

8.6 Building in exits: protected dissent, refusal, and resignation channels

Finally, a Nuremberg-proof chain of command must recognize that no system of rules or oversight can anticipate every situation. There will be moments when individuals, especially at senior levels, perceive that an operation is veering into morally unacceptable territory even though it has cleared all formal hurdles. In those moments, the system's last defenses are the consciences of its members.

To support those consciences, institutions need to build exits into their design. This includes:

- Clear, confidential channels for raising legal and ethical concerns outside the immediate chain of command, with protection against retaliation.
- Training that explicitly affirms the duty to refuse unlawful orders and normalizes careful questioning of novel or unusually aggressive directives.
- Policies that allow officers and officials to recuse themselves from specific operations on conscience grounds, where feasible, without automatic career destruction.
- A culture that interprets early retirement or resignation in the context of controversial missions as a possible act of integrity rather than automatically as disloyalty.

These exits will be abused occasionally. Some will shelter ordinary self-interest or political maneuvering. But the alternative—a system in which refusal is so costly that only the reckless or the unscrupulous remain in key positions—is far more dangerous.

In the end, to design a Nuremberg-proof chain of command is to assume that judgment from beyond the system—whether from future courts, history, or God—cannot be excluded. The goal

is not to provide ironclad legal armor for everyone involved. It is to make it less likely that anyone will be forced to choose between their duty and their soul, and more likely that when the machinery of covert violence begins to run off the rails, there will be hands willing and able to reach for the brake.

9. Policy Alternatives: Real Counternarcotics Without Shadow Wars

If the stated goal is to reduce overdose deaths and weaken criminal drug networks, there are tools far better suited to the task than airstrikes on small boats in the Caribbean. Those tools start from empirical reality: where the drugs and their precursor chemicals actually come from, how they move, and why people overdose. They proceed through policing, regulation, finance, and public health, not through improvised micro-wars against loosely defined enemies.

This section sketches an alternative approach. It begins with the data on supply chains and mortality, then lays out pillars of a strategy that stays within the framework of law enforcement and public health. The point is not to argue for leniency toward traffickers, but to insist that lethal force be reserved for genuinely imminent threats to life, while the main effort shifts to measures that have already shown the power to bend overdose curves without covert killing.

9.1 Empirical realities of drug supply chains and overdose deaths

Any serious counternarcotics strategy has to start with where the drugs actually come from and how they reach users. For fentanyl and other synthetic opioids in the United States, the picture is clear enough. The Drug Enforcement Administration (DEA) and other U.S. agencies consistently identify Mexico as the principal source of illicit fentanyl destined for the U.S. market, with China providing most of the precursor chemicals that Mexican cartels use to manufacture fentanyl and methamphetamine, and India emerging as an additional source for precursors and some finished substances.

These chemicals and finished drugs overwhelmingly enter the United States through land border crossings and mail or commercial freight, not via small boats off the Venezuelan coast. Customs and border enforcement data show that seizures of fentanyl primarily occur at official ports of entry along the southwest border, often hidden in passenger vehicles and trucks, while mail facilities intercept smaller but still significant amounts shipped from East Asia.

On the demand side, fentanyl has become the central driver of opioid mortality. Recent analyses indicate that in 2023, roughly 72,000 people in the United States died from overdoses involving fentanyl, with hundreds of thousands of fentanyl-related deaths since 2021. Provisional data for 2024 and early 2025, however, show a remarkable reversal: overall overdose deaths appear to

have fallen by about a quarter, the largest one-year drop on record, with particularly large declines in opioid and fentanyl-involved deaths. Public health experts attribute this shift to expanded access to treatment, naloxone, and harm-reduction services, as well as changes in drug supply—not to any new military campaign at sea.

Global data tell a similar story. The UN Office on Drugs and Crime notes that synthetic opioids present a rising, flexible threat, shaped by chemical supply chains and local markets rather than fixed, state-centric routes. The implication is straightforward: a strategy that focuses on a peripheral maritime theater while ignoring the main arteries of production, finance, and distribution is unlikely to move the dial on overdose deaths in a meaningful way.

9.2 Policing, regulation, and public health as primary tools

A more reality-based counternarcotics policy would revolve around the three domains that the evidence already vindicates: targeted policing, robust regulation, and public health.

Targeted policing means concentrating law-enforcement resources on mid- and upper-level trafficking networks, corrupt facilitators, and violent actors, rather than scattering attention across low-level couriers or users. It implies integrated investigative units that combine financial analysts, cyber specialists, and traditional investigators to map organizations and dismantle them with arrests, prosecutions, and asset seizures. It does not require or justify treating every criminal network as a military enemy.

Regulation focuses on the legal supply chain: prescription opioids, precursor chemicals, and legitimate pharmaceutical commerce. The earliest phases of the opioid crisis were fueled in part by over-prescription and weak oversight of pharmaceutical marketing and distribution. Tightening prescription monitoring programs, enforcing standards on pharmacy dispensing, and holding companies accountable for deceptive practices are all levers that have already begun to change behavior.

Public health completes the triad. Countries and regions that have invested heavily in treatment, harm reduction, and social supports—notably Portugal, which decriminalized personal drug possession in 2001 and reoriented policy toward health—have seen dramatic reductions in drug-related deaths and HIV transmission. In the United States, recent declines in overdose deaths have been linked to expanded availability of medications for opioid use disorder, naloxone distribution, and programs funded by opioid settlement dollars.

Taken together, these pillars suggest that the most promising path to fewer funerals runs through clinics, courts, regulatory agencies, and community organizations—not carrier strike groups and covert targeting cells.

9.3 Financial enforcement and chemical-precursor control

Illicit drug markets are, at bottom, economic enterprises. Synthetic opioids in particular depend on steady flows of precursor chemicals, specialized equipment, and cross-border payments. Disrupting those flows requires tools from finance and trade, not only from traditional law enforcement.

One pillar is aggressive financial enforcement. The U.S. Treasury's Financial Crimes Enforcement Network (FinCEN) has begun mapping patterns of fentanyl-related illicit finance in Bank Secrecy Act data, identifying typologies such as shell companies, trade-based money laundering, and small-dollar remittance patterns associated with synthetic opioid networks. Leveraging that analysis to drive targeted sanctions, suspicious activity reporting, and joint investigations can squeeze traffickers where they are most vulnerable: their ability to move and store profits.

A second pillar is chemical-precursor control. Since many fentanyl precursors are manufactured in a small number of countries, cooperative regimes that monitor production, licensing, and export of key substances can have outsized impact. Recent reports underscore that China remains a primary supplier of fentanyl precursors, with India also playing a growing role, even as both countries adjust regulations under international pressure.

Effective precursor control does not mean trying to shut down entire chemical industries. It means building systems—shared databases, end-user verification, suspicious-order reporting, and coordinated enforcement—so that bulk purchases of certain compound combinations trigger scrutiny. It also means supporting countries with weaker regulatory capacity so that traffickers cannot simply relocate manufacturing to the path of least resistance.

These measures are slow, technical, and bureaucratic compared to bombing a boat. But they go after the inputs that make synthetic opioid markets profitable in the first place.

9.4 Regional cooperation that does not depend on airstrikes

If Venezuela and its neighbors are involved in drug trafficking, the appropriate response is not unilateral lethal action but structured regional cooperation. The hemisphere already has frameworks—such as the Inter-American Drug Abuse Control Commission (CICAD) and various bilateral maritime interdiction agreements—that can be strengthened without turning the Caribbean into a low-intensity war zone.

Real cooperation would prioritize:

- Joint investigations that trace routes from production to retail markets, sharing intelligence about logistics, corruption, and key facilitators.

- Maritime interdiction operations led by coast guards and specialized law-enforcement units, emphasizing boarding, seizure, and prosecution rather than destruction.
- Capacity-building for coastal states’ policing, judicial, and customs institutions, so that they can effectively prosecute traffickers rather than serving merely as transit corridors.
- Political dialogue that addresses governance failures and corruption that make certain jurisdictions attractive to traffickers in the first place.

Even where relations are strained—as with the United States and Venezuela—intermediated cooperation is possible. Neutral third countries, regional bodies, or UN offices can host information-sharing arrangements focused on specific criminal threats. The goal is to separate counternarcotics from regime-change agendas, so that drug policy does not become a pretext for geopolitical confrontation.

The more counternarcotics work looks like policing and judicial cooperation, and the less it looks like undeclared warfare, the easier it becomes to maintain legality, legitimacy, and public support.

9.5 How to prevent future “fentanyl wars” against the wrong targets

Finally, avoiding misdirected “fentanyl wars” requires institutional safeguards that tie any proposed use of force to the actual structure of the drug problem.

One safeguard is analytical: before authorizing military action in the name of counternarcotics, decision-makers should be required to consider formal assessments of the relevant drug supply chain, overdose patterns, and likely impact. If the main fentanyl pipeline runs through chemical plants, land borders, and postal systems, a maritime strike campaign in an adjacent region should face a very high burden of proof. Agencies like the DEA, CDC, and UNODC already generate detailed threat assessments; these should be integrated into policy deliberations, not sidelined by political narratives.

A second safeguard is legal. Domestic law could explicitly limit the use of military force for counternarcotics purposes to situations where there is clear evidence of armed attacks or imminent lethal threats, leaving ordinary trafficking to law-enforcement frameworks. Internationally, states could reaffirm that drug control, however urgent, does not create a license for unilateral lethal action in or near other states’ jurisdictions.

A third safeguard is rhetorical discipline. Leaders should be pressed—by media, legislators, and civil society—to align their language with empirical realities. When fentanyl deaths are down because of treatment and harm-reduction expansions, those responsible should say so. When

trafficking patterns point to factories and freight, those facts should shape the narrative. The more public discourse reflects the actual structure of the crisis, the harder it becomes to sell a spectacle of distant explosions as the centerpiece of a drug policy.

In short, real counternarcotics work is painstaking, distributed, and mostly unglamorous. It does not lend itself to dramatic footage or simple stories of enemies destroyed. But if the aim is to save lives and uphold law, it is precisely that slow, integrated work—in policing, regulation, finance, and health—that deserves to be strengthened, not eclipsed, by a new generation of shadow wars.

10. Conclusion: Walking Away from the Machinery of Denial

The story that begins in 1947 with a vague statutory phrase and a handful of NSC directives ends, in this case study, with boats burning on a dark sea and a four-star commander quietly leaving his post. The through-line is not a conspiracy but a structure: an architecture of covert action that gradually normalized killing without trial, wrapped it in secret legality, and insulated it from the public institutions that are supposed to discipline state violence. The boat strikes show how easily such a system can be repurposed from one target set to another—from Cold War adversaries, to terrorists, to “narco-terrorists”—even when the factual link to the threat invoked is thin.

Nuremberg was meant to prevent precisely this kind of drift. Its core message was that law cannot retreat entirely into secret compartments and that individuals cannot disappear into systems. In the age of drones and covert maritime strikes, that message is not obsolete; it is simply harder to hear. The machinery of denial—plausible deniability, classified legal opinions, euphemistic language—exists to muffle it. The challenge, for institutions and for those who serve in them, is to decide whether they will keep turning that machinery, or whether they are willing, at some cost, to walk away.

10.1 What this case study reveals about the post-1947 security state

The Venezuela-adjacent boat campaign exposes key traits of the post-1947 security state in concentrated form. First, it shows how the capacity for covert force, once built, seeks new missions. An apparatus designed for rare, exceptional operations has become a standing option on the policy menu, ready to be applied wherever a president can attach the right label—terrorism, drugs, transnational crime.

Second, it reveals how legal and political incentives combine to favor deniable lethality over slower, more accountable tools. Covert strikes generate dramatic images and strong rhetoric

with relatively low immediate risk to U.S. personnel. They also appear, in the short term, to sidestep the friction of courts, legislatures, and treaties. The long-term costs—to law, to alliances, to the conscience of those involved—are pushed off into an undefined future.

Third, the case underscores how easily the rhetoric of “wars” on abstractions—terror, drugs, crime—can stretch legal categories past their breaking point. When every social ill can be redescribed as an enemy in a shadow war, the difference between policing and war, between prosecution and execution, begins to erode. The security state becomes a machine that is always, somewhere, at war, even when its citizens have not been clearly told against whom.

10.2 The enduring relevance of Nuremberg in a covert age

Nuremberg is sometimes treated as a relic: a response to a uniquely monstrous regime and a kind of moral museum exhibit. In reality, its core principles were crafted for precisely the kinds of dilemmas that recur whenever powerful states use violence in ambiguous ways. The insistence on individual responsibility, the rejection of “just following orders,” and the recognition of crimes that transcend domestic law all speak directly to the covert age.

What Nuremberg adds to today’s debates is not a set of ready-made answers but a standard of scrutiny. It asks whether those who design and execute operations could defend them before a tribunal that is not impressed by classified memos or executive assertions. It forces a mental reversal: instead of assuming that internal legal clearance settles the matter, it suggests that such clearance may one day be Exhibit A for the prosecution.

In this sense, Nuremberg functions as a counterweight to the temptations of secrecy. It reminds policymakers, lawyers, and commanders that there is always a second audience beyond the classified room: future judges, historians, and the moral judgment of communities of faith. A system that forgets that audience is not post-Nuremberg; it is pre-Nuremberg, repeating the patterns that made such tribunals necessary in the first place.

10.3 Individual responsibility in the shadow of presidential authority

Presidential authority in national security matters is real and weighty. Findings, directives, and orders carry legal force and, in a democracy, deserve serious deference. But they do not erase individual responsibility. The intelligence analyst who shapes a target file, the staff judge advocate who signs off on rules of engagement, the pilot or sailor who executes a strike, the admiral who oversees the campaign, and the legislator who continuously funds it all inhabit their own moral and legal horizons.

The shadow of presidential authority can obscure that fact. When a mission is repeatedly described as “the President’s policy” and “fully legal,” it becomes easier for subordinates to imagine that accountability, too, flows upward and disappears. Yet history—and the explicit teaching of both Nuremberg and modern military law—says otherwise. Each actor retains a zone of agency, however constrained, and can choose to question, to tighten, to object, or, in extremis, to refuse.

Recognizing this does not mean romanticizing heroism or ignoring the pressures of hierarchy. It means telling the truth about how responsibility actually works. Presidents may never face a courtroom; those lower in the chain sometimes do. Even when formal trials never materialize, the distribution of moral burden does not vanish into a single office. It settles, unevenly, on thousands of shoulders.

10.4 The moral difference between obedience and complicity

Obedience is necessary for any military or intelligence system to function. Without it, orders become suggestions and collective action collapses. But obedience is not, in itself, a moral good. Its value depends entirely on what it serves. When obedience helps protect the innocent and restrain violence, it is a virtue. When it props up practices that skirt the edge of murder, it becomes a pathway to complicity.

The difference between the two lies in judgment and in thresholds. A subordinate who raises hard questions, insists on clarity, and seeks to narrow the scope of lethal force is still obeying, but with conscience engaged. A subordinate who stops asking, who accepts “the lawyers approved it” as an all-purpose solvent, or who treats every presidential directive as morally self-validating has moved closer to complicity, even if they never directly pull a trigger.

Complicity is not reserved for monstrous acts. It begins when people participate in systems whose wrongness they dimly sense but choose not to confront. In the context of targeted killing and covert maritime strikes, the line between duty and complicity will always be contested. But it is real. And it is crossed not only by those who give the most aggressive orders, but by those who, seeing the direction of travel, decide to silence their doubts and stay aboard.

10.5 Final reflection: honoring those who quietly refuse to cross the line

Much of the attention in debates about secret war goes to the loudest voices: presidents announcing operations, commentators defending or denouncing them, legal scholars parsing authorities. Far less attention is given to the people who, inside the system, decide that they cannot in good conscience continue down a given path and choose, quietly, to step aside.

Some will never be named. They are the officers who ask to be reassigned, the lawyers who decline to write the memo that would make everything look clean, the analysts who insist on adding caveats to an assessment, the commanders who choose early retirement rather than signing one more campaign plan. Their refusals may never show up in official histories, but they are part of the moral record of the institution.

Honoring them does not require sanctifying every act of dissent. It requires recognizing that, in a state armed with powerful tools of secret violence, the last defense against Nuremberg-type wrongdoing will often be the inner line that some individuals refuse to cross. When they walk away from the machinery of denial, sometimes at significant personal cost, they testify—without speeches—that law is more than what a government says it is, and that obedience has a limit. In doing so, they keep alive the possibility that a security state can defend its people without losing its soul.

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The author has published over 4,500 AI-assisted papers at:

<https://www.researchgate.net/profile/Douglas-Youvan/research> . Google Scholar has indexed these preprints, and if you want a particular reference, the AI mode of a Google search (Gemini) has efficiently catalogued these preprints.